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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/636,048

08/07/2003

Eghart Fischer

P03,0273

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26574

7590

09/28/2006

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/636,048

Applicant(s)

FISCHER ET AL.

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the application filed on 9 January 2006 in which claims 1-12 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandrescu (U.S. Patent NO. 5,909,497) in view of Applicant's Specification.

Regarding claims 1, 5, and 7, Alexandrescu teaches a hearing aid device (figs. 1-8) comprising: at least one input transducer (11, 21) configured to acquire an input signal (13) and transduce it into an electrical signal (15); a detector (41) in conjunction with 53; col. 8 lines 5-18) for detecting a line signal output by a screen device (col. 8 lines 5-18); a signal processing unit (5) configured to process and amplify the electrical signal, the signal processing unit being adaptable to different auditory situation (arenas, halls, televisions, etc.; col. 8 lines 5-44) by at least one adjustable parameter (parameters; col. 8 lines 10-18) that can be automatically adjusted dependent on the line signal (automatic; col. 8 lines 25-44); and an output transducer (33) to transduce the processed electrical signal into an acoustic or mechanical output signal.

Alexandrescu does not specifically teach the signal is a line signal that deflects an electron beam generated in an image tube.

However, since line frequencies are well-known world standards for television devices (applicant's specification pages 2-3) and it is known for an electron beam generated in an image tube to be deflected by a line signal with a particular frequency (applicant's specification pages 2-3), it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement any of the known world standards for use in the device along a line signal in the invention of Alexandrescu to minimize the need for additional programming algorithms to compensate for deviation from the normal and widely accept standards.

Regarding claims 3-4, Alexandrescu teaches a threshold value, wherein a signal strength of the line signal can be detected and compared with the threshold value to automatically adjust the parameter upon exceeding the threshold value (col. 8 lines 5-18, where the device comprehends the concept of loud volume and adjusts the parameters).

Regarding claim 6, Alexandrescu inherently teaches an adjustment mechanism permitting adjustment of the value or the value interval (see claim 1 above).

Regarding claims 8 and 11-12, Alexandrescu teaches a hearing aid device (figs. 1-8) comprising: at least one input transducer (11, 21) configured to acquire an input signal (13) and transduce it into an electrical signal; a detector (41 inconjunction with 53; col. 8 lines 5-18) for detecting a signal output by a screen device (col. 8 lines 5-18); a signal processing unit (5) configured to process and amplify the electrical signal, the signal processing unit being adaptable to different auditory situation (arenas, halls, televisions, etc.; col. 8 lines 5-44by at least one

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adjustable parameter (parameters; col. 8 lines 10-18) that can be automatically adjusted dependent on the signal (automatic; col. 8 lines 25-44); and an output transducer (31) to transduce the processed electrical signal (33) into an acoustic or mechanical output signal, wherein the screen device is a television device and the detector is configured to detect a signal output by the television device.

Alexandrescu does not specifically teach the signal is a line signal that deflects an electron beam generated in an image tube, and an automatic adjustment of the parameter ensues when the line signal frequency is 15.625 KHZ or 15.734 KHz.

However, since these frequencies are well-known world standards for television devices (applicant's specification pages 2-3) and it is known for an electron beam generated in an image tube to be deflected by a line signal with a particular frequency (applicant's specification pages 2-3), then it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement any of the known world standards for use in the device along a line signal in the invention of Alexandrescu to minimize the need for additional programming algorithms to compensate for deviation from the normal and widely accept standards.

Regarding claim 9, Alexandrescu teaches the parameter can automatically be adjusted given a detected line signal, and the parameter can be set back to its original value when the line signal can no longer be detected as further suggested in column 8.

Regarding claim 10, it teaches a method corresponding the apparatus taught in claim1.

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The method is inherent in that it simply provides a methodology for the logical implementation found in claims 1, 3-7, and 9.

Regarding claims 13-14, Alexandrescu teaches a hearing aid device (figs. 1-8) comprising: at least one input transducer (11, 21) configured to acquire an input signal (13) and transduce it into an electrical signal; a detector (41 in conjunction with 53; col. 8 lines 5-18) for detecting solely a signal output by a screen device (col. 8 lines 5-18); a signal processing unit (5) configured to process and amplify the electrical signal, the signal processing unit being adaptable to different auditory situation (arenas, halls, televisions, etc.; col. 8 lines 5-44) by at least one adjustable parameter (parameters; col. 8 lines 10-18) that can be automatically adjusted dependent on the signal (automatic; col. 8 lines 25-44); and an output transducer (31) to transduce the processed electrical signal (33) into an acoustic or mechanical output signal, wherein the screen device is a television device and the detector is configured to detect a signal output by the television device.

Alexandrescu does not specifically teach the signal is a line signal

However, since these frequencies are well-known world standards for television devices (applicant's specification pages 2-3), and it is known to use a line signal for a television, then it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement any of the known world standards for use in the device along a line signal in the invention of Alexandrescu to minimize the need for additional programming algorithms to compensate for deviation from the normal and widely accept standards.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

With respect to the Applicant's arguments that Alexandrescu fails to teach or suggest *the detection of a line signal that deflects an electron beam generated in an image tube output by the screen device and adjustment of the hearing device that is dependent upon the line signal,*" the Examiner disagrees.

Alexandrescu was not used to teach deflection of a line signal by an electron beam. However, upon further review, the Applicant's specification (pages 2-3) teaches an electron beam generated in an image tube deflecting a line signal as well known.

Further, since the Applicant's claim language still does not stipulate the "line" signal must include/exclude any portion of the line signal outputted from the television, Alexandrescu applies. Alexandrescu teaches detection of a line signal via detector (41). In essence, detector 41 is used to determine whether another signal, i.e. line signal is present within the acoustic/electromagnetic signal. Once the detector senses a line signal, the device switches between direct connection to the processor (5) and interface (53). If a line signal, i.e. television signal is detected, then the detector 41 allows connection to interface 53 for reception of the line signal and adjustment of the hearing instrument parameters.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 28, 2005

PLB

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